



3001
IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

Writ Petition No. 117 of 2000

PETITIONERS



1. Shri Girdhar Kumar Shukla
aged 68 years S/o Late Pt.P.R.Shukla
R/o MIG A-4, Nehru Nagar, Bilaspur (CG)
2. Shri Ram Kushal Dubey
aged about 73 years S/o Late Shri
S.L.Dubey R/o MIG-A-6 Nehru Nagar
Bilaspur (CG)
3. M.S.Jaffar
aged about 62 years ,
R/o of Nehru Nagar, Bilaspur (CG)



VERSUS

RESPONDENTS



1. State of Chhattisgarh
through the Chief Secretary, Raipur.
2. Municipal Corporation, Bilaspur
through the Commissioner, Bilaspur (CG)
3. Divisional Forest Officer,
Division Bilaspur (CG)
4. Shri Pratap Chadda
aged about 55 years S/o Late Shri Chaman
Lal Chadda
5. Shri Pran Chadda
aged about 53 years S/o late Shri Chaman
Lal Chadda
6. Shri Prashant Chadda : *dead person*
aged about 50 years S/o late Shri Chaman
Lal Chadda
7. Shri Parvesh Chadda
aged about 42 years S/o late Shri Chaman
Lal Chadda
8. Smt. Seema Chadda *Wife of Shri Sagar Chadda*
aged 40 years, W/o Late Shri Sagar
Chadda
All resident of Mungeli Road, Bilaspur
Tahsil & District Bilaspur (CG)
9. Shri S.R.Sahu
aged about 45 years
R/o Ameri Road, Bilaspur (CG)



**WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR
ISSUE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI
ETC.OR DIRECTION / ORDER IN THE LIKE NATURE ETC.**

To

(98)

आदेश पत्रक

मासिका क्रमांक W.P. 117/2009 पृ. 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में हिंदी रजिस्ट्रार के अतिरिक्त आदेश
	<u>8.8.2001 :</u> Mr.Rajesh Pandey for the petitioner. Dr.N.K.Shukla learned Dy.AG for the respondents 1 and 3 Mr.Abhishhek Sinha learned counsel for respondents 4,5, 7 and 8. Mrs.Usha Chandrakar for respondent no.2 Mr.Sanjay Namdeo for the respondent no.9. Heard. Q1.This petition has been filed by the petitioner styling as the Public Interest Litigation. Notices have been issued to the respondents and the returns have also been filed. Petitioner has also filed an amendment application for incorporating the subsequent events. Q2 Learned counsel for the respondents submit that the petitioner has filed this petition without verifying the facts. It is further the submission of the respondents that respondent no.6 Prashant Chadda in fact has died 20 years back and the petitioner did not care for the verifi- cation of the same and filed the petition casually. It has been further submitted that so far as the public interest litigation is concerned, if the petitioner wants	

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	ventilate the grievance, heavy duty is cast on the petitioner but in the present case we did not find that the petitioner has discharged the duty at all. Much more care and caution is required to be taken by the parties and the parties have to be careful and conversant with the facts and circumstances of the case. Now the petitioner has to be very careful in future. 3. Counsel for the respondents submits that the respondents 4,5 and 8 are not at all concerned with the present litigation and they have un-necessarily been impleaded as parties. It is further submitted that petitioner has filed this petition as the road is being constructed in front of his own house and for that the public interest litigation can not be filed. It is further submitted by the respondents that the petitioners should have taken due care while joining the person who is dead and also ^{those who have} ~~has~~ no concern with the petition. 4. During the course of arguments the petitioner made some remarks which are recorded in the order-sheet dt. 27.6.2001. Remarks are per se contemptuous. However, the apology . Proceedings are dropped. He has to be careful in future.	

[Signature]

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आदेश का दिनांक आदेश क्रमांक सहित	..3.. आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	5. The forum of public interest litigation can not be used to settle the personal vendetta. 6. After hearing the parties we are of the opinion that this petition as filed is not in accordance with law and the same is accordingly disposed of at this stage. Sd/- Chief Justice	Sd/- Fakhruddin Judge
		15.5.2001